

## Lead Articles—Authors

Alleyne, Reginald—Delayerizing Labor Arbitration .....	93
Banner, Stuart—Please Don't Read the Title .....	243
Coffin, Frank M.—Grace Under Pressure: A Call for Judicial Self-Help .....	399
Garten, Helen—What Price Bank Failure? .....	1159
Handler, Joel F.—Community Care for the Frail Elderly: A Theory of Empowerment .....	541
Hawkins, Keith—Rule and Discretion in Comparative Perspective: The Case of Social Regulation .....	663
Higginbotham, Jr., A. Leon & Barbara K. Kopytoff—Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law .....	511
Jones, William K.—Concerted Refusals to Deal and the Producer Interest in Antitrust .....	73
Jost, Timothy Stoltzfus—Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations .....	1
Kopytoff, Barbara K. & A. Leon Higginbotham, Jr.—Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law .....	511
Krauskopf, Joan M.—Ohio State Law Journal Dedication to Robert J. Lynn .....	215
Lively, Donald E.—The Establishment Clause: Lost Soul of the First Amendment .....	681
Lynn, Robert J.—Perpetuities Literacy for the 21st Century .....	219
Macintosh, Kerry L.—Am I My Borrower's Keeper? .....	1197
Malin, Martin H.—The Evolving Law of Agency Shop in the Public Sector .....	855
Malloy, Michael P.—Nothing to Fear but FIRREA Itself: Revising and Reshaping the Enforcement Process of Federal Bank Regulation .....	1117
May, James—Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918 .....	257
Mikva, Abner J.—Statutory Interpretation: Getting the Law to Be Less Common .....	979
Minda, Gary—The Jurisprudential Movements of the 1980s .....	599
Modjeska, Lee—Federalism in Labor Relations—The Last Decade .....	487
Mullenix, Linda S.—The Influence of History on Procedure: Volumes of Logic, Scant Pages of History .....	803
Oakes, James L.—Grace Notes on "Grace Under Pressure" .....	701
Park, William K.—Legal Policy Conflicts in International Banking .....	1067
Peters, Jr., Philip G.—The State's Interest in the Preservation of Life: From <i>Quinlan</i> to <i>Cruzan</i> .....	891
Ripple, Kenneth F.—The Judge and the Academic Community .....	1237
Tabb, Charles Jordan—Lender Preference Clauses and the Destruction of Appealability and Finality: Resolving a Chapter 11 Dilemma .....	109
Tuerkheimer, Frank—A Reassessment and Redefinition of Rape Shield Laws .....	1245
Warren, Kenneth—Recovering Attorney Fees in Ohio: When Do We Reach the Twentieth Century? .....	1229
Weiler, Paul C.—Workers' Compensation and Product Liability: The Interaction of a Tort and Non-Tort Regime .....	825
White, James—Introduction to the Banking Law Symposium: A 200 Year Journey from Anarchy to Oligarchy .....	1059
Williams, II, David—Financing A College Education: A Taxing Dilemma .....	561

## Lead Articles—Titles

Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations. <i>Timothy Stoltzfus Jost</i> .....	1
Am I My Borrower's Keeper? <i>Kerry L. Macintosh</i> .....	1197

Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918. <i>James May</i> .....	257
Community Care for the Frail Elderly: A Theory of Empowerment. <i>Joel F. Handler</i> .....	541
Concerted Refusals to Deal and the Producer Interest in Antitrust. <i>William K. Jones</i> .....	73
Delayerizing Labor Arbitration. <i>Reginald Alleyne</i> .....	93
The Establishment Clause: Lost Soul of the First Amendment. <i>Donald E. Lively</i> .....	681
The Evolving Law of Agency Shop in the Public Sector. <i>Martin H. Malin</i> .....	855
Federalism in Labor Relations—The Last Decade. <i>Lee Modjeska</i> .....	487
Financing A College Education: A Taxing Dilemma. <i>David Williams, II</i> .....	561
Grace Notes on “Grace Under Pressure.” <i>James L. Oakes</i> .....	701
Grace Under Pressure: A Call for Judicial Self-Help. <i>Frank M. Coffin</i> .....	399
The Influence of History on Procedure: Volumes of Logic, Scant Pages of History. <i>Linda S. Mullenix</i> .....	803
Introduction to the Banking Law Symposium: A 200 Year Journey from Anarchy to Oligarchy. <i>James White</i> .....	1059
The Judge and the Academic Community. <i>Kenneth F. Ripple</i> .....	1237
The Jurisprudential Movements of the 1980s. <i>Gary Minda</i> .....	599
Legal Policy Conflicts in International Banking. <i>William K. Park</i> .....	1067
Lender Preference Clauses and the Destruction of Appealability and Finality: Resolving a Chapter 11 Dilemma. <i>Charles Jordan Tabb</i> .....	109
Nothing to Fear but FIRREA Itself: Revising and Reshaping the Enforcement Process of Federal Bank Regulation. <i>Michael P. Malloy</i> .....	1117
Ohio State Law Journal Dedication to Robert J. Lynn. <i>Joan M. Krauskopf</i> .....	215
Perpetuities Literacy for the 21st Century. <i>Robert J. Lynn</i> .....	219
Please Don't Read the Title. <i>Stuart Banner</i> .....	243
Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law. <i>A. Leon Higginbotham, Jr. &amp; Barbara K. Kopytoff</i> .....	511
A Reassessment and Redefinition of Rape Shield Laws. <i>Frank Tuerkheimer</i> .....	1245
Recovering Attorney Fees in Ohio: When Do We Reach the Twentieth Century? <i>Kenneth Warren</i> .....	1229
Rule and Discretion in Comparative Perspective: The Case of Social Regulation. <i>Keith Hawkins</i> .....	663
The State's Interest in the Preservation of Life: From <i>Quinlan</i> to <i>Cruzan</i> . <i>Philip G. Peters, Jr.</i> ...	891
Statutory Interpretation: Getting the Law to Be Less Common. <i>Abner J. Mikva</i> .....	979
What Price Bank Failure? <i>Helen Garten</i> .....	1159
Workers' Compensation and Product Liability: The Interaction of a Tort and Non-Tort Regime. <i>Paul C. Weiler</i> .....	825

## Comments

De Novo Review in Reverse FOIA Actions .....	1307
Free Exercise Jurisprudence: A Comment on the Heightened Threshold and the Proposal of the “Burden Plus” Standard .....	1035
Is There Something Suspicious About the Constitutionality of Loitering Laws? .....	717
Measuring Damages Under the United Nations Convention on the International Sale of Goods .....	737
Not Enough Time?: The Constitutionality of Short Statutes of Limitations for Civil Child Sexual Abuse Litigation .....	753

## Case Comments

<i>Anderson v. Creighton</i> and Qualified Immunity .....	447
<i>Carnegie-Mellon University v. Cohill</i> : Pendent Claim Remand as a Logical Extension of Pendent Jurisdiction .....	767
<i>Fall River</i> : The NLRB's Expansive Successorship Doctrine .....	181
<i>Northern Indiana Public Service Company v. Carbon County Coal Company</i> : Risk Assumption in Claims of Impossibility, Impracticability, and Frustration of Purpose .....	163
The <i>Spycatcher</i> Cases .....	405

Notes

Artistic Integrity, Public Policy and Copyright: Colorization Reduced to Black and White ..... 1013

Causation in Medical Malpractice: A Modified Valuation Approach ..... 469

Class Actions: Establishing a More Effective Judicial Disqualification Standard ..... 000

Ohio’s View of the Pollution Exclusion Clause: Is There Still Ambiguity? ..... 983

Sovereign Immunity to Copyright Infringement Actions after *Atascadero* ..... 197

The Fair Housing Amendments Act of 1988: A Promising First Step Toward the  
Elimination of Familial Homelessness? ..... 1291

Who Pays? An Analysis of the Allocation of the Costs of Cancelled Nuclear Power Plants  
After *Duquesne Light Co. v. Barasch* ..... 999

## SUBJECT INDEX

### Administrative Law

- Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations ..... 1

### Arbitration

- Delaying Labor Arbitration ..... 93

### Antitrust

- Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918 ..... 257  
Concerted Refusals to Deal and the Producer Interest in Antitrust ..... 73

### Banking

- Am I My Borrower's Keeper? ..... 1197  
Introduction to the Banking Law Symposium: A 200 Year Journey from Anarchy to Oligarchy ..... 1059  
Legal Policy Conflicts in International Banking ..... 1067  
Nothing to Fear but FIRREA Itself: Revising and Reshaping the Enforcement Process of Federal Bank Regulation ..... 1117  
Recovering Attorney Fees in Ohio: When Do We Reach the Twentieth Century? ..... 1229  
What Price Bank Failure? ..... 1159

### Bankruptcy

- Lender Preference Clauses and the Destruction of Appealability and Finality: Resolving a Chapter 11 Dilemma ..... 109

### Civil Rights

- Artistic Integrity, Public Policy and Copyright: Colorization Reduced to Black and White ..... 1013  
The Fair Housing Amendments Act of 1988: A Promising First Step Toward the Elimination of Familial Homelessness? ..... 1275  
The *Spycatcher* Cases ..... 405  
The State's Interest in the Preservation of Life: From *Quinlan* to *Cruzan* ..... 891

### Civil Practice & Procedure

- Carnegie-Mellon University v. Cohill*: Pendent Claim Remand as a Logical Extension of Pendent Jurisdiction ..... 767  
Class Actions: Establishing a More Effective Disqualification Standard ..... 1291  
The Influence of History on Procedure: Volumes of Logic, Scant Pages of History ..... 803  
Not Enough Time?: The Constitutionality of Short Statutes of Limitations for Civil Child Sexual Abuse Litigation ..... 753  
Please Don't Read the Title ..... 243  
Recovering Attorney Fees in Ohio: When Do We Reach the Twentieth Century? ..... 1229  
The Use of De Novo Review in Reverse FOIA Actions ..... 1307

### Contracts

- Northern Indiana Public Service Company v. Carbon County Coal Company*: Risk Assumption in Claims of Impossibility, Impracticability, and Frustration of Purpose ..... 163

### Constitutional Law

- Anderson v. Creighton* and Qualified Immunity ..... 447  
Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918 ..... 257  
The Establishment Clause: Lost Soul of the First Amendment ..... 681  
Free Exercise Jurisprudence: A Comment on the Heightened Threshold and the Proposal of the "Burden Plus" Standard ..... 1035  
Is There Something Suspicious About the Constitutionality of Loitering Laws? ..... 717  
Not Time Enough?: The Constitutionality of Short Statutes of Limitations for Civil Child Sexual Abuse Litigation ..... 753

### Copyright Infringement

- Artistic Integrity, Public Policy and Copyright: Colorization Reduced to Black and White ..... 1013  
Sovereign Immunity to Copyright Infringement Actions after *Atascadero* ..... 197

**Corporations**

- The Evolving Law of Agency Shop in the Public Sector ..... 855

**Criminal Law**

- Is There Something Suspicious About the Constitutionality of Loitering Laws? ..... 717

**Damages**

- Measuring Damages Under the United Nations Convention on the International Sale of Goods ..... 737
- Recovering Attorney Fees in Ohio: When Do We Reach the Twentieth Century? ..... 1229

**Dedication**

- Ohio State Law Journal Dedication to Robert J. Lynn ..... 215

**Environmental Law**

- Ohio's View of the Pollution Exclusion Clause: Is There Still Ambiguity? ..... 983
- Who Pays? An Analysis of the Allocation of the Costs of Cancelled Nuclear Power Plants After *Duquesne Light Company v. Barasch* ..... 999

**Evidence**

- A Reassessment and Redefinition of Rape Shield Laws ..... 1245

**Health Law**

- Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations ..... 1
- Causation in Medical Malpractice: A Modified Valuation Approach ..... 469
- Community Care for the Frail Elderly: A Theory of Empowerment ..... 541
- Not Enough Time?: The Constitutionality of Short Statutes of Limitations for Civil Child Sexual Abuse Litigation ..... 753
- The State's Interest in the Preservation of Life: From *Quinlan* to *Cruzan* ..... 891

**History**

- The Influence of History on Procedure: Volumes of Logic, Scant Pages of History ..... 803
- Introduction to the Banking Law Symposium: A 200 Year Journey from Anarchy to Oligarchy ..... 1059
- Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law ..... 511

**Homelessness**

- The Fair Housing Amendments Act of 1988: A Promising First Step Toward the Elimination of Familial Homelessness? ..... 1275

**International Law**

- Measuring Damages Under the United Nations Convention on the International Sale of Goods ..... 737
- Legal Policy Conflicts in International Banking ..... 1067
- Rule and Discretion in Comparative Perspective: The Case of Social Regulation ..... 663
- The *Spycatcher* Cases ..... 405

**Judges On Judging**

- Grace Under Pressure: A Call for Judicial Self-Help ..... 399
- Grace Notes on "Grace Under Pressure" ... 701
- The Judge and the Academic Community . 1237
- Statutory Interpretation: Getting the Law to Be Less Common ..... 979

**Jurisprudence**

- Free Exercise Jurisprudence: A Comment on the Heightened Threshold and the Proposal of the "Burden Plus" Standard ..... 1035
- The Jurisprudential Movements of the 1980s ..... 599

**Labor Law**

- Delayerizing Labor Arbitration ..... 93
- Fall River*: The NLRB's Expansive Successorship Doctrine ..... 181
- Federalism in Labor Relations—The Last Decade ..... 487
- Workers' Compensation and Product Liability: The Interaction of a Tort and Non-Tort Regime ..... 825

**Legal Profession**

The Jurisprudential Movements of the 1980s .....	599
Ohio State Law Journal Dedication to Robert J. Lynn .....	215
Please Don't Read the Title .....	243

**Lender Liability**

Am I My Borrower's Keeper? .....	1197
Lender Preference Clauses and the Destruction of Appealability and Finality: Resolving a Chap- ter 11 Dilemma .....	109

**Medical Malpractice**

Causation in Medical Malpractice: A Modified Val- uation Approach .....	469
--	-----

**Privacy**

A Reassessment and Redefinition of Rape Shield Laws .....	1245
--	------

**Property Law**

Perpetuities Literacy for the 21st Century ..	219
---	-----

Property First, Humanity Second: The Recognition of the Slave's Human Nature in Virginia Civil Law .....	511
--	-----

**Social Regulation**

Rule and Discretion in Comparative Perspective: The Case of Social Regulation .....	663
--	-----

**Taxation**

Financing A College Education: A Taxing Dilem- ma .....	561
--	-----

**Torts**

Workers' Compensation and Product Liability: The Interaction of a Tort and Non-Tort Re- gime .....	825
--	-----

**United Nations Conventions**

Measuring Damages Under the United Nations Convention on the International Sale of Goods .....	737
--	-----